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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ABC INDUSTRIAL LAUNDRY, LLC, a
Nevada limited liability company, dba
UNIVERSAL LAUNDRY AND SUPPLY

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, an
Indiana corporation; NATIONWIDE MUTUAL
INSURANCE COMPANY, an Ohio
corporation,

Defendants.

CASE NO. 2:15-cv-869-RFB-VCF

**THE PARTIES' STIPULATION AND
ORDER TO EXTEND DISCOVERY,
REVISE THE DISCOVERY PLAN
AND AMEND THE SCHEDULING
ORDER**

(Twelfth Request)

Plaintiff ABC Industrial Laundry, LLC, by and through its attorney Steven J. Parsons of

1 Law Office of Steven J. Parsons; Defendant Federal Insurance Company, by and through its
2 attorneys, Amy M. Samberg, Esq. and Dylan P. Todd, Esq. of the law firm of Foran Glennon
3 Palandech Ponzi & Rudloff PC, and Brian Goldman and James Silvestri of the law firm of Pyatt
4 Silvestri; and Defendant Nationwide Mutual Insurance Company, by and through its attorneys
5 Marc Hines and Christine Emanuelson of the law firm Hines Hampton Pelanda, LLP in the above-
6 entitled case, hereby stipulate and request that the Court enter an order (1) vacating the current
7 deadlines to complete depositions, file dispositive motions, and file the parties' joint pretrial order
8 pending completion of a mediation scheduled for February 28, 2020; and (2) setting a deadline of
9 March 20, 2020, for the parties to file a joint report on the outcome of the February 28, 2020
10 mediation and, to the extent the case is not resolved, submit a revised discovery plan setting forth
11 deadlines to complete the remaining depositions set forth herein, file dispositive motions, and file
12 the joint pretrial order.

13 This will be the parties' twelfth (12th) request. This request comes as a result of a recent
14 agreement to mediate this matter along with the related state court action *ABC v. Christeys*, Case
15 No. A-15-720810-C in the Eighth Judicial District Court, Clark County, Nevada, ("State Action"),
16 which mediation is scheduled to take place before Hon. Peggy Leen (Ret.) at JAMS in Las Vegas
17 on February 28, 2020. As such, the parties make this stipulation so as to not prejudice the parties'
18 ability to complete their discovery of this matter while conserving efforts, costs, and expenses that
19 might be better appropriated to potential case resolution.

20 Pursuant to Local Rule 26-4, the parties state as follows:

21 **I. NATURE OF THE CASE**

22 Plaintiff ABC Industrial Laundry, LLC ("ABC") is a commercial laundry that specializes
23 in laundering linens from high end resorts in Las Vegas, NV. At the time of the dispute, ABC's
24 client was the Wynn Resort ("Wynn") of Clark County, Nevada. This case is an action by ABC
25 against Defendants stemming from a loss suffered by Wynn as ABC's customer related to the
26 alleged negligence of ABC's chemical supplier, Christeys Laundry Technology, defendant in the
27 State Action.

28 ABC alleges that there is coverage for the losses – both to indemnify the losses paid by

1 ABC to the Wynn as well as ABC's own losses – within insurance policies issued by both
2 Defendants. Both Defendants deny that coverage exists.

3 The case involves multiple complex insurance coverage issues and damages claimed, and
4 requires significant discovery of numerous party witnesses, as well as numerous third-party
5 witnesses. In ABC's most recent June 14, 2019 supplemental disclosures, ABC claims damages in
6 excess of \$15,131,551.34 against Defendants, which damages Defendants dispute.

7 **II. DISCOVERY COMPLETED TO DATE**

8 On August 1, 2019 the Court granted the parties' eleventh request for discovery extension.
9 (ECF No. 87¹) setting the following deadlines:

| 10 EVENT | CURRENT DEADLINE |
|--|-------------------------|
| 11 Deadline to complete deposition discovery | February 1, 2020 |
| 12 File and Serve Dispositive Motions | March 15, 2020 |
| 13 File Joint Pretrial Order | April 15, 2020 |

14
15 Among the discovery that has taken place to date in the case is the following:

- 16 (1) Exchange of Fed. R. Civ. P. 26(a)(1) Initial Disclosures, including documents, and
17 supplemental disclosures;
- 18 (2) The Parties have exchanged written discovery, including requests for admissions,
19 requests for production of documents, and interrogatories, with written discovery still
20 ongoing;
- 21 (3) A stipulated protective order was entered on September 22, 2016, to facilitate the
22 discovery and production of documents deemed confidential, proprietary or otherwise
23 trade secret by the producing party, including certain Non-Parties who have indicated
24 they cannot produce documents in response to document subpoenas without a protective
25 order in place;
- 26 (4) To date, document subpoenas have been served on the following Non-Parties:

27
28 ¹ A detailed explanation of the procedural history regarding previous discovery extensions is
contained therein and is incorporated by reference.

1. Christeys Laundry Technology, LLC;
 2. Companion Commercial Insurance Company;
 3. International Textile Analysis Laboratory;
 4. Liberty Mutual Insurance Company;
 5. Nationwide Union Fire Insurance Company of Pittsburgh, PA.
 6. Rimkus Consulting Group, Inc.;
 7. Sobel Westex Quality Control;
 8. Textile Solutions, LLC;
 9. Universal Garment Wash & Dye, LLC;
 10. Wynn Las Vegas, LLC;
 11. Brown & Brown Northwest;
 12. Exponent Failure Analysis Associates;
 13. CHEM-BAC Laboratories, Inc.;
 14. Frank Campagna, CPA, then of Swarts & Swarts; and
 15. Procopio Cory Hargreaves & Savitch -- Law Firm and employer of ABC's expert, witness, Cecilia Miller
- (5) Over 125,000 pages of documents have been produced by ABC in response to discovery served by Federal and Nationwide. In addition, in response to the subpoenas above, the Parties have received more than 130,000 additional pages of documents from Non-Parties.
- (6) Defendants Nationwide and Federal, upon the agreement of ABC, visually inspected ABC's commercial laundry facility and laundering equipment located at 240 Spectrum Boulevard, Las Vegas, Nevada, and samplings of the Wynn Las Vegas, LLC's affected linens or other goods identified to be in ABC's possession.
- (7) On April 11, 2017, all Parties, through their attorneys, met at ABC's facilities to distribute and obtain samples of linens for further testing and analysis by the Parties and/or their respective experts and/or consultants.
- (8) The parties exchanged Initial Expert Disclosures on March 8, 2019, and rebuttal

disclosures/reports on May 6, 2019.

(9) The parties have completed the following fact witness depositions:

- a. Rule 30(b)(6) designee for Christeyns Laundry Technology, Rudi Moors, on August 15, 2017 and August 16, 2017 in Boston, MA, and on November 28, 2018 in Las Vegas, NV;
- b. Rule 30(b)(6) designee for Wynn Las Vegas, LLC, on March 9, 2018 and April 13, 2018;
- c. Ran Brisman of ABC, noticed and set in the related state court action, as to ABC's policies and practices related to document retention only.
- d. Dov Brisman of ABC, taken on December 5, 2019.
- e. Jim Smail of ABC, taken on November 13, 2019.
- f. Kevin Clendening of ABC, taken on November 12, 2019.
- g. Ran Brisman, as Rule 30(b)(6) representative of ABC in this action was taken on November 4 and November 5, 2019.
- h. David Chesnoff of ABC, taken on November 7, 2019.
- i. Frank Campagna, taken on November 6, 2019.

II. THE REMAINING DEPOSITIONS THE PARTIES WISH TO TAKE

At the time discussions commenced about the parties in this case potentially attending mediation with the related State Action, the following additional depositions had been noticed:

1. Defendants' deposition of ABC's expert witness Cecilia Miller;
2. Defendants' deposition of ABC's expert witness Sam Garafalo;
3. Defendants' deposition of the Rule 30(b)(6) designee for Brown & Brown Northwest, ABC's insurance agent, in Oregon;
4. Defendants' deposition of Rule 30(b)(6) designee for CR Systems, the entity retained by ABC to respond to the Wynn's damages claims;
5. Defendants' depositions of Kobi Levy, Moshe Levy, and Yuda Levy, former managers and/or owners of ABC;
6. ABC's deposition of David Davis, claims representative for Defendant Nationwide Mutual

Insurance Company; and

7. ABC's depositions of Charles A. Short, Colin J. O'Reilly, and Douglas Rothman, claims representatives of Defendant Federal Insurance.

In an effort to focus efforts toward mediation and potential resolution of this matter, the parties seek to stay completion of these previously noticed depositions, some of which require travel for parties and/or witnesses, until after completion of the February 28, 2020 mediation and reschedule any of the depositions, as necessary, if the case does not resolve at mediation.

III. REASONS WHY THE DEPOSITIONS CANNOT BE COMPLETED WITHIN THE CURRENT SCHEDULE

On July 29, 2019, the Court in the State Action issued a revised scheduling order directing the parties to complete mediation by February 28, 2020. Mediation was subsequently scheduled with Hon. Peggy Leen (ret.) at JAMS for Friday, February 28, 2020.

On January 17, 2020, Federal reached an agreement with ABC and the parties in the State Action to participate in the mediation to resolve the claims against it. Nationwide is currently evaluating their potential participation in this mediation. Notwithstanding all parties are in agreement that discovery in this matter should be stayed pending the outcome of the mediation. This includes the depositions as outlined in para. II, above. In the event that mediation is unsuccessful, the parties need sufficient time to coordinate the remaining depositions of these out-of-state witnesses.

The parties, therefore, propose and request the opportunity to submit a status report on the outcome of the February 28, 2020 mediation on or before March 20, 2020, wherein the parties will advise the Court if a settlement has been reached between all, or any, of the parties in this action, and, if any claims remain, provide the Court with a revised discovery plan to complete the necessary remaining depositions, file dispositive motions, and file the joint pretrial order. This will allow the parties to continue any settlement discussions following the February 28, 2020, if necessary, and coordinate the remaining depositions and corresponding travel associated with the depositions. The purpose of this stipulation is to allow the parties to complete discovery, and, at the same time, allow the parties to conserve costs in an effort to resolve the case at mediation.

VI. PROPOSED REVISED ORDERS

WHEREFORE, and pursuant to the above, the parties respectfully request that this Court vacate the pending discovery and pre-trial deadlines and enter an order setting a deadline of March 20, 2020, by which the parties are to submit a Joint Status Report on the outcome of the February 28, 2020 mediation and, if necessary, a Revised Discovery Plan to (1) complete the remaining depositions; (2) file and serve dispositive motions; and (3) file the Joint Pretrial Order.

DATED: January 31, 2020

LAW OFFICE OF STEVEN J. PARSONS

By: /s/ Steven Parsons
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Attorneys for ABC Industrial Laundry

DATED: January 31, 2020

PYATT SILVESTRI

By: /s/ Brian Goldman
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DATED: January 31, 2020

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DATED: January 31, 2020

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ORDER

IT IS SO ORDERED.

Dated: February 3, 2020.



U.S. MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **STIPULATION TO EXTEND DISCOVERY FOR LIMITED PURPOSE THE PARTIES' STIPULATION AND (PROPOSED) ORDER TO EXTEND DISCOVERY, REVISE THE DISCOVERY PLAN AND AMEND THE SCHEDULING ORDER (Twelfth Request)** was served by the method indicated:

- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: January 31, 2020.

/s/ Rita Tuttle
An Employee of Foran Glennon